

Worksession

Agenda Item #	3
Meeting Date	November 10, 2003
Prepared By	Alfred D. Lott
Approved By	City Manager

Discussion Item	Stormwater Management
Background	<p>The City has been faced with two stormwater management challenges. The first involves property to property cause and effect. The second asks the question "Should the City conduct stormwater management on private property?" While exploring those issues with the City Council a larger question arose which asks "Should the City continue in the stormwater management business?" In order to continue the discussion, the following facts regarding Montgomery County's Stormwater Management Program are provided:</p> <ul style="list-style-type: none"> a. Montgomery County Stormwater Tax information: <ul style="list-style-type: none"> i. Montgomery County assesses a \$12.75 fee per household for the maintenance of water quality facilities. These facilities include dry ponds, stormwater development ponds, sand filters and base savers. It should be noted that when stormwater facilities are required at new development locations, the developer pays for the installation and Montgomery County's Department of Environmental Protection maintains them afterwards. ii. The storm drain system (catch basins, channels and ditches) are maintained by the Department of Public Works and Transportation, Highway Division. That service is strictly reactive. They do not conduct preventive maintenance on the system and primarily respond to emergencies. During a conversation with a senior member of the department, I was told that there is no way that they could provide the same level of service to the City that it presently receives. iii. The maintenance of the storm drain system is funded by Special Area Property Tax. These taxes are levied to fund various projects related to the construction and operation of the metro rail and regional bus system, the consolidated fire district, the storm drainage system, County recreational facilities, and parking facilities, and the services of the Maryland-National Capital Park and Planning Commission. There is a certain percentage of the overall tax-bill that is specifically assessed as Special Area Property Tax. One component of the Special Area tax is an Ad Valorem Tax that is specifically for storm drainage systems. It equals .003 percent per \$100 value of the property. For example, a home in Silver Spring, tax class R38, assessed at \$132,107 has a storm drainage Ad Valorem Tax of \$3.96. According to Montgomery County officials, Takoma Park residents are paying the ad valorem tax. b. Montgomery County uses the Public Nuisance clause of Chapter 26. Housing and Building Standards, of their Code to address private property disputes. Definition of Public Nuisance: <u>Any dwelling, dwelling unit or nonresidential structure, or any part of them, that is creating a condition that would or could result in substantial damage to another property.</u> According to Montgomery County Code Enforcement this law has been used in the County to resolve stormwater management disputes between private properties. Additionally it appears that citizens

	<p>have not contested many citations.</p> <p>Mr. Boyd M. Church, Chief, Stormwater Facility Maintenance Program will be present at the Council Meeting and provide a Power Point type briefing on stormwater maintenance in Montgomery County.</p> <p>Takoma Park's Stormwater Utility Fee is \$26.68 per residential parcel. This fee covers the maintenance (preventive or otherwise) of storm drains, catch basins, channels and ditches. Additionally this fee covers a portion of the salary of the City Engineer and the Public Works Administrative Assistant for the time they spend working in stormwater management.</p> <p>.</p>
Policy	The City only manages stormwater on public property and the flow of water through the City's storm drain system. Furthermore, the City Code does not provide remedies specifically related to stormwater runoff disputes between owners of private property.
Fiscal Impact	<p>If the responsibility for managing stormwater problems on private property becomes the responsibility of the City, there would be a significant fiscal impact. Rolling terrain exists throughout the City and there are hundreds of instances where steep slopes create stormwater problems. Consequently, the demand for stormwater problem solving could be tremendous.</p> <ol style="list-style-type: none"> 1. The City Engineer is basically a one person operation. He is responsible for all Civil Engineering activities in the City including stormwater management, street renovations, and traffic engineering. The demand to resolve stormwater problems on private property would be so great that it would dominate his professional efforts. 2. The City would have to provide additional funding to the Public Works Department/Stormwater budget that would be used to support this new mission. The most likely source of the additional funding would be to increase the residential stormwater fee. 3. If the City transfers stormwater management to the County it is very likely that our residents would not tolerate their slow and reactive performance. They will demand quick, thorough and proactive performance. Consequently, the City could possibly have to use its assets to make-up for the County's shortcomings.
Attachments	
Recommendation	The City should consider this issue carefully and if the Council wants to pursue it further, then Staff should be directed to further investigate the idea of handing stormwater management back to the County. If the Council wishes the City to amend its policy and become involved in private property stormwater issues, the Council should request staff to provide an estimate of how much more staff time will be needed and what the fiscal impact would be to the City.
Special Consideration	